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VIA ECF

July 5, 2022

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: *Iowa Pub. Emps.' Ret. Sys. et al. v Bank of Am. Corp. et al.*,
No. 1:17-cv-06221-KPF-SLC (S.D.N.Y.)**

Dear Judge Failla:

Pursuant to Rule 2(D) of your Honor's Individual Rules of Practice in Civil Cases, we write on behalf of all Defendants to respectfully request an extension through and including August 19, 2022 in which to file objections to Magistrate Judge Cave's Report and Recommendation regarding Plaintiffs' motion for class certification (Dkt. 563). No previous requests for an extension have been submitted.

The Report and Recommendation was filed June 30, 2022, the Thursday before the Fourth of July holiday weekend. Defendants currently have fourteen days, or until July 14, 2022, to file their objections. Defendants have consulted with counsel for Plaintiffs, who will agree only to an extension of seven days (for a total of 21 days) for Defendants to file objections, or until July 21, 2022.

Defendants respectfully submit that a longer extension through August 19—50 days from the date Judge Cave issued her Report and Recommendation—is warranted for several reasons. First, the requested extension will enable the six Defendants in this action to coordinate on a single consolidated response to Judge Cave's Report and Recommendation. Second, the matter at hand is a complex class action in which Plaintiffs seek billions in treble damages from Defendants, requiring careful analysis and consideration. Indeed, the Report and Recommendation is 71 pages, speaking to the complexity of the arguments under consideration, as well as the massive fact and expert record. Third, previously scheduled summer vacations on the part of inside and outside counsel complicate the task of preparing and coordinating on a single joint filing on behalf of all Defendants.

Finally, Plaintiffs will not be prejudiced by the extension now requested by Defendants. To the contrary, Plaintiffs' unwillingness to agree to more than a seven-day extension of time for six Defendants to coordinate on a single set of objections to the 71-page Report and



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Recommendation issued by Judge Cave stands in stark contrast to the multiple extensions Defendants consented to with Plaintiffs for the underlying class certification briefing (*see, e.g.*, Dkts. 189, 267, 362, 410).

Accordingly, Defendants respectfully request that the Court grant their request for an extension of time to file objections to and including August 19, 2022. Defendants would have no objection to an equal extension of time for Plaintiffs to file their response to Defendants' objections, and would respectfully request 30 days thereafter to file their reply in further support of their objections.

Respectfully submitted,

/s/ Staci Yablon

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cc: Counsel for All Parties (via ECF)